

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2017

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

CrI.O.P.No.26068 of 2016

Singapore Reality Pvt. Limited.
Rep. by its Director
Yeo Boon Kwang

... Petitioner

Vs

1. Inspector of Police,
E8, Kelambakkam Police Station,
Kanchipuram District - 603 103.

2. Superintendent of Police,
Kanchipuram District.

3. Anandan
(R3 impleaded as per the order of this Court
dated 25.01.2017 in CrI.MP.No.1035 of 2017) Respondent

Criminal Original Petition filed under Section 482
Cr.P.C. to direct the respondents to provide police protection
to the petitioner's property at Siruseri on payment of
applicable charges by the petitioner.

For Petitioner : Mr.A.Sasidharan

For R1 & R2 : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed
seeking a direction to the respondents to provide police
protection to the petitioner's property at Siruseri.

2. It is the case of the petitioner that pursuant to
the Memorandum of Understanding reached between the Government
of Tamil Nadu and the petitioner, the property measuring to an
extent of 104.77 acres was allotted to the petitioner by State
Industries Promotion Corporation of Tamil Nadu (SIPCOT) vide two
sale deeds dated 06.05.2004 and 16.12.2004, for the purpose of

development of IT park. Thereafter, the same was in possession of the petitioner. While so, on 24.04.2016, the third respondent, who is the owner of M/s.Easwari Electronic Pvt. Limited along with 15 persons along with a JCB, trespassed into the said property and demolished a portion of the fencing put up by the petitioner and illegally grabbed some extent of the property. When the same was resisted by the staff attached to the petitioner, the third respondent has threatened him with dire consequences. Hence, the Director of the petitioner company lodged a complaint dated 28.04.2016 before the first respondent and the same is pending without any progress vide CSR No.221 of 2016. Taking advantage of the same, the third respondent proceeded to put up a construction in the property, which was grabbed by him in an illegal manner by use of force. In order to protect the property, the petitioner filed a suit in O.S.No.93 of 2016 on the file of the Principal District Court, Chengalpet and obtained an order of interim injunction on 01.06.2016. Even thereafter, the third respondent tried to dispossess the petitioner, which compelled the petitioner to approach this Court by filing Crl.OP No.18814 of 2016. By order dated 23.08.2016, the said petition was ordered by directing the respondent police to conduct enquiry in CSR No.221 of 2016 and give police protection to the petitioner. In spite of the said order, no police protection was provided to the petitioner. Therefore, the petitioner has come up with the present petition for the above stated relief.

3. Learned counsel appearing for the petitioner submitted that even after obtaining interim injunction in favour of the petitioner, the third respondent has been continuously giving trouble to dispossess the petitioner from the property in question and hence, on the strength of interim injunction, the petitioner requested the respondent police to give police protection. Learned counsel appearing for the petitioner further submitted that in identical situation, this Court, in the case of Radhika Sri Hari and another v. Commissioner of Police reported in 2014 (2) CTC 695, has held that the petitioner in that case would be entitled to police protection as prayer for. Thus, he sought for similar direction in this petition also.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that as per the order of this Court, necessary police protection will be provided to the petitioner.

5. In the decision reported in 2014 (2) CTC 695 - Radhika Sri Hari and another v. Commissioner of Police, in paras 7 and 8, this Court has held as follows:-

" 7. In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No.43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11. When police protection is sought for the implementation of a civil court order it should be given readily. Police should not insist on a specific court direction to give police protection."

8. What is informed above makes clear that the petitioner would be entitled to police protection as prayed for. Criminal original petition is allowed. There will be a direction to respondents to provide police protection to the petitioners for a period of three weeks from the date of receipt of a copy of this order towards enabling them raising fresh barbed wire fences on their property. The same will be at the cost of the petitioner. "

Hence, as per the Guideline 11 issued by the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.6.2008, when police protection is sought for, for the implementation of a civil court order, it should be given readily. In the instant case also, the petitioner has obtained an interim injunction in its favour from the competent civil Court and the same is now in force. Apart from that, by order dated 23.08.2016 in Crl.OP No.18814 of 2016, this Court has already directed the respondent police to conduct enquiry on the complaint given by the petitioner and provide police protection. Hence, this Court is of the view that the petitioner is entitled to get police protection in respect of their property.

6. In the result, the criminal original petition is allowed and the respondents 1 and 2 are directed to provide adequate police protection to the petitioner for a period of three weeks from the date of receipt of a copy of this order, to enable them to fence their property. However, the same will be at the cost of the petitioner.

s/d-
Assistant Registrar(CS-III)

//True Copy//

Sub-Assistant Registrar

To

1. Inspector of Police,
E8, Kelambakkam Police Station,
Kanchipuram District - 603 103.
 2. Superintendent of Police,
Kanchipuram District.
 3. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr. A. Sasidharan, Advocate sr 8738

Crl.O.P.No.26068 of 2016

KS(CO)
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